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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,443	10/28/2003	Steven L. Grobman	116536-153507	6786
31817 7590 04/14/2009 SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 S.W. FIFTH AVE. PORTLAND, OR 97204				
EXAMINER WINTER, JOHN M				
ART UNIT 3685		PAPER NUMBER		
MAIL DATE 04/14/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/696,443

Applicant(s)

GROBMAN, STEVEN L.

Examiner

JOHN M. WINTER

Art Unit

3685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10-17, 35-41 and 43-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8, 10-17, 35-41 and 43-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

1. The Applicants amendment filed on January 12, 2009 is hereby acknowledged, Claims 2-8, 10-17, 35-41 and 43-50 remain pending .

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 12, 2009 has been entered.

Response to Arguments

The Examiner states that the pending claims are rejected in view of newly discovered reference McCarty et al. (US Patent 7,093,020).

The reference Sandhu et al, (US Patent 7,055,032) although not explicitly cited in the rejection is hereby noted as a pertinent prior art reference of record. Sandhu et al. discloses a system for accessing multiple different network stations without entry of a password is provided. The password is obtainable by use of a portion of an asymmetric crypto-key. The Examiner contends that his is analogous to the "session key" associated with a server as claimed in the present invention.

The Buhle et al. (US Patent 6,286,104) reference has been withdrawn.

Examiner further notes that many features of the amended claims are drawn towards

“optional” features; in the case where the claim language states “if so” ... in the case where the “if” fails to be true, the limitations following the “if” clause fail to limit the claim in any fashion.

See e.g. MPEP §2106 II C: “Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.] ” As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8, 10-17, 35-41 and 43-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Medvinsky et al. (US Patent 2003/0093694) in view of Sirbu et al (US Patent 5,809,144) and further in view of McCarty et al. (US Patent 7,093,020).

2. As per claim 2,

Medvinsky et al. ('694) discloses the method of claim 7, further including:
a granting service (Abstract, paragraph 28)

generating a Ticket-Granting-Ticketing utilizing a protocol substantially in compliance with the Kerberos protocol; and wherein receiving a request for a Service Ticket from a client further includes receiving the Ticket-Granting-Ticket from the client. (Figure 4)

3. As per claim 3,

Medvinsky et al. ('694) discloses the method of claim 7, wherein the granting service determining if the requested service is provided by a plurality of servers if so, the granting service further determining a number of the servers designated to provide the requested service and encrypting a cipher text with each of the session keys; wherein the determining includes: the granting service utilizing a database that maps a generic server name to a specific server name; and the granting service setting the numbers of servers designated to provide the service equal to the number of specific server names mapped to the generic server name that provides the requested service. (Figure 2). Applicant(s) are reminded that optional or conditional elements do not narrow the claims because they can always be omitted. See e.g. MPEP §2106 II C: "Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.]" As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted.

As per claim 4,

4. Medvinsky et al. ('694) discloses the method of claim 3,

Medvinsky et al. ('694) does not explicitly disclose wherein determining the number of servers designated to provide the requested service includes: utilizing a database that maps a generic server name to a specific server name; and setting the numbers of servers designated to provide the service equal to the number of specific server names mapped to the generic server name that provides the requested service. McCarty et al.('020), discloses wherein determining the number of servers designated to provide the requested service includes: utilizing a database that maps a generic server name to a specific server name; and setting the numbers of servers designated to provide the service equal to the number of specific server names mapped to the generic server name that provides the requested service. (Column 2, lines 42-50); it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the Medvinsky et al. ('694) with the McCarty et al.('020) method in order to allow centralized control of access to servers; furthermore the combination of these elements does not alter their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

5. As per claim 7,

Medvinsky et al. ('694) discloses A method of generating a Service Ticket for a requested Service comprising:

receiving by a granting service of a computing device, the computing device being different and distinct from a client, a request for a Service Ticket from the client;

(Paragraph 39)

Medvinsky et al. ('694) does not explicitly disclose the granting service determining if the requested service is provided by a plurality of servers: if not, the granting service generating the Service Ticket utilizing a single server mode; if so, the granting service generating a session key; for each providing server, encrypting the session key with a secret key associated with each respective server; creating a Service Ticket that includes the encrypted session keys for the plurality of providing server

McCarty et al.('020), discloses the granting service determining if the requested service is provided by a plurality of servers: if not, the granting service generating the Service Ticket utilizing a single server mode; if so, the granting service generating a session key; for each providing server, encrypting the session key with a secret key associated with each respective server; creating a Service Ticket that includes the encrypted session keys for the plurality of providing server (Column 12 ,lines 12-36- the "if not" case; Column 16 line 17-29 – drop box selection implies multiple service providers.); it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the Medvinsky et al. ('694) with the McCarty et al.('020)method in order to allow the client to utilize secure applications via ticket; furthermore the combination of these elements does not alter their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.. Medvinsky et al. ('694) does not explicitly disclose transmitting the Service Ticket to the client, Sirbu et al.('1443), discloses transmitting the Service Ticket to the client (Figure 4); it would have been obvious to a person of ordinary skill in the art at the time of the

invention to combine the Medvinsky et al. ('694) with the Sirbu et al. ('144) method in order to allow the client to utilize the ticket; furthermore the combination of these elements does not alter their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention..

Applicant(s) are reminded that optional or conditional elements do not narrow the claims because they can always be omitted. See e.g. MPEP §2106 II C: "Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.] " As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted.

Claims 5-8, 10-17, 35-41 and 43-50 disclose the same invention as the above stated claims; because claims 5-8, 10-17, 35-41 and 43-50 are not patentably distinct from claims 2-4 and 7 they are rejected for at least the same reasons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. WINTER whose telephone number is (571)272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMW

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685